

CLEARY GOTTLIEB STEEN & HAMILTON LLP

One Liberty Plaza
 New York, NY 10006-1470
 T: +1 212 225 2000
 F: +1 212 225 3999
clearygottlieb.com

AMERICAS	ASIA	EUROPE & MIDDLE EAST	
NEW YORK	BEIJING	ABU DHABI	LONDON
SAN FRANCISCO	HONG KONG	BRUSSELS	MILAN
SÃO PAULO	SEOUL	COLOGNE	PARIS
SILICON VALLEY		FRANKFURT	ROME
WASHINGTON, D.C.			

CRAIG B. BROD	ROGER A. COOPER	LINA BENSMAN
RICHARD J. COOPER	LILLIAN TSU	ARON M. ZUCKERMAN
JEFFREY S. LEWIS	AMY R. SHAPIRO	KENNETH S. BLAZEJEWSKI
PAUL J. SHIM	JENNIFER KENNEDY PARK	MARK E. MCDONALD
STEVEN L. WILNER	ELIZABETH LENAS	F. JAMAL FULTON
DAVID C. LOPEZ	LUKE A. BAREFOOT	PAUL V. IMPERATORE
MICHAEL A. GERSTENZANG	JONATHAN S. KOLODNER	CLAYTON SIMMONS
LEV L. DASSIN	DANIEL ILAN	CHARLES W. ALLEN
JORGE U. JUANTORENA	MEYER H. FEDIDA	JULIA L. PETTY
MICHAEL D. WEINBERGER	ADRIAN R. LEIPSIC	HELENA K. GRANNIS
DAVID LEINWAND	ELIZABETH VICENS	SUSANNA E. PARKER
JEFFREY A. ROSENTHAL	ADAM J. BRENNEMAN	THOMAS S. KESSLER
MICHAEL D. DAYAN	ARI D. MACKINNON	RESIDENT PARTNERS
CARMINE D. BOCCUZZI, JR.	JAMES E. LANGSTON	
JEFFREY D. KARPFF	JAREB GERBER	JUDITH KASSEL
FRANCISCO L. CESTERO	RISHI ZUTSHI	PENELOPE L. CHRISTOPHOROU
FRANCESCA L. ODELL	JANE VANLARE	BOAZ S. MOSES
WILLIAM J. MCRAE	AUDREY S. CASUSOL	CHRISTOPHER H. GREENFRITZ
JASON PACTOR	ELIZABETH GIBSON	ANDREW W. EVERETT
JOHN H. KIM	DAVID H. HERRINGTON	JOHN V. HARRISON
MARGARET S. PEPPERIS	KIMBERLY R. SPOERRI	MATTHEW BRIGHAM
LISA M. SCHWEITZER	AARON J. MEYERS	EMILIO MINVIELLE
JUAN G. GIRALDEZ	DANIEL C. REYNOLDS	LAURA BAGARELLA
DUANE McLAUGHLIN	ABENA A. MAINOO	JONATHAN D.W. GIFFORD
CHANTALE KORDULA	HUGH C. CONROY, JR.	DAVID W.S. YUDIN
BENET J. O'REILLY	JOHN A. KUPIEC	KARA A. HAILEY
ADAM E. FLEISHER	JOSEPH LANZKRON	ANNA KOGAN
SEAN A. O'NEAL	MAURICE R. GINDI	BRANDON M. HAMMER
GLENN P. MCGRORY	KATHERINE R. REAVES	BRIAN J. MORRIS
DEBORAH NORTH	RAHUL MUKHI	CARINA S. WALLANCE
MATTHEW P. SALERNO	ELANA S. BRONSON	ALEXANDER JANGHORBANI
MICHAEL J. ALBANO	MANUEL SILVA	RESIDENT COUNSEL
VICTOR L. HOU	KYLE A. HARRIS	

D: +1 212 225 2086
jrosenthal@cgsh.com

VIA ECF

February 23, 2023

The Honorable Ona T. Wang
 United States District Court for the Southern District of New York
 Daniel Patrick Moynihan Courthouse
 500 Pearl Street
 New York, NY 10007

Re: *In re Application of Vale S.A. et al.*, No. 20-mc-199-JGK-OTW

Dear Judge Wang:

In accordance with Sections III.D and IV of Your Honor's Individual Practices in Civil Cases, Petitioners Vale S.A., Vale Holdings B.V., and Vale International S.A. (collectively, "Vale"), submit this letter motion seeking permission to redact and file certain documents under seal. Vale respectfully requests to redact the highlighted portion of its letter dated February 23, 2023, and to file Exhibit A to that letter under seal. To be clear, Vale does not take the position that Exhibit A is confidential nor that filing it under seal is appropriate.

To facilitate the provision of confidential materials between Vale and Respondents in the above-captioned action, the parties entered into a protective order, which was filed and so-ordered by Your Honor on October 7, 2020, ECF No. 69 ("Protective Order"). Pursuant to the Protective Order, Vale is therefore required to file Exhibit A under seal. In seeking this relief, Vale does not waive its objection to whether such confidentiality designations are properly made and HFZ's failure to abide by the narrow definition of confidentiality in the Protective Order.¹

¹ The Protective Order states that counsel may designate information confidential if it determines "in good faith, that such designation is necessary to protect the interests of the client in information that is proprietary, a trade secret or otherwise sensitive non-public information." ECF No. 69. HFZ has instead blanket designated all documents produced as confidential.

Vale reserves its right to object to the designation of Confidential and For Attorneys' or Experts' Eyes Only information, including the designation of the information contained in Exhibit A.

For the foregoing reasons, Vale requests that the Court permit Vale to file the above referenced Exhibit under seal.

Thank you for Your Honor's consideration.

Respectfully submitted,

Jeffrey A. Rosenthal

Jeffrey A. Rosenthal

jrosenthal@cgsh.com

Lisa Vicens

evicens@cgsh.com

CLEARY GOTTLIEB STEEN & HAMILTON LLP

One Liberty Plaza

New York, New York 10006

T: 212-225-2000

F: 212-225-3999

Counsel for Vale S.A., Vale Holdings B.V., and Vale International S.A.